

DEC 28 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ANAIDA GALUSTIAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-70613

Agency No. A075-742-529

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

Anaida Galustian, a native of the former Soviet Union and a citizen of Georgia, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. 1252. We review for substantial evidence, *Wang v. INS*, 352 F.3d 1250, 1253 (9th Cir. 2003), and we deny the petition for review.

The forensic expert’s testimony and report provide substantial evidence to support the agency’s finding that Galustian submitted a false driver’s license. *See Desta v. Ashcroft*, 365 F.3d 741, 745 (9th Cir. 2004). Because the genuineness of this identity document went to the heart of Galustian’s asylum claim, substantial evidence supports the agency’s adverse credibility determination. *See id.*; *see also Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003) (characterizing identity as a key element of an asylum claim). In the absence of credible evidence, Galustian failed to demonstrate eligibility for asylum or withholding of removal. *See Farah*, 348 F.3d at 1156..

Galustian has failed to set forth any substantive argument regarding the agency’s denial of CAT relief. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not supported by argument are deemed waived).

PETITION FOR REVIEW DENIED.